

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Respondent,

v.

Case no. 3:12-CR-00691(JAF)

JOEL PAGAN-RIVERA,
Petitioners.

MOTION PURSUANT TO 18 U.S.C. § 3582(c)(2)
& U.S.S.G. AMENDMENT 782 AND 788

NOW COME, INTO COURT, Petitioner Joel Pagan-Rivera, Pro-Se, herein after Rivera, bring this Motion before this court pursuant to 18 U.S.C. § 3582(c)(2) & Amendment 782 and 788, asking this Honorable Court to reduce his sentence by two level's of reduction in accordance with the foregoing authority.

U.S.S.G. Amendment 782, effective November 1, 2014, "reduced by two levels the offense levels associated with certain drug quantities." Alvira-Sanchez, 804 F.3d at 496. "The Sentencing Commission expressly made Amendment 782 retroactive, effective as of November 1, 2015." United States V. Alejandro-Montanez, 778 F.3d 352, 362(1st Cir. 2015); see also United States V. Vaughn, 806 F.3d 640, 643(1st Cir. 2015) ("Amendment 788 amended U.S.S.G. § 1B1.10 to authorized district courts to apply Amendment 782 retroactively, provide that 'the effective date of the court's order is November 1, 2015, or later.'") (quoting U.S.S.G. § 1B1.10(e)(1))).

Petitioner was sentenced on 7-03-2013, to 87 months (7 years and 3 months) in prison. He was sentenced pre-amendment 782, and did not receive such benefits. He pleaded guilty to count one of his indictment, which was conspiracy to distribute crack, cocaine, heroine, and marijuana. The foregoing conviction falls squarely in Amendment 782. His projected release date is 11-23-2027.

As of this date, Petitioner is presently enrolled in English as a Second Language seven days per-week, and GED classes as well. He has completed several educational classes such as reading blueprints, reading, OSHA silica safety, blood borne pathogens, formaldehyde standard, and preventing workplace discrimination. See attached Program Report.

CONCLUSION

In reference to the above, Petitioner request that this court reduce his sentence by two (2) levels pursuant to U.S.S.G. 782.

Dated: December 6th, 2022

Respectfully Submitted

/s/: Joel Pagan

Joel Pagan-Rivera 40884-069
FCI FORT-DIX CAMP
P. O. Box 2000
Joint Base MDL, NJ 08640